THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 24990 of 2007

Dated : 11.12.2007

Between:
Sri Mylapalli Sreenu and others.
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..Petitioners.

and

The District Collector,Visakhapatnam District,Visakhapatnam and others.

..Respondents.

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W.P.No. 24990 of 2007

ORDER:

Petitioners, who are the assignees of different extents of land covered by Sy.Nos.3/2H, 3/2D2M, 3/2D2C, 3/1M, 3/1P, 3/2D2L,
3/1O, 3/1N, 3/2, 3/2D2P, 3/IL, 3/2D29, 3/2D20, 3/2D2N, 3/41/A, 3/2D2F, 3/18, 4/1P, 2/D, 3/2D2G, 14/22, 14/99, 3/2D2S, 14/21 of Vedurawada Village of Atchutapuram Mandal, Visakhapatnam District, filed this writ petition seeking to declare the action of the respondents in trying to dispossess them from the said properties, as illegal and arbitrary.

It is the case of the petitioners that they are all landless poor persons and they were assigned small extents of land in the said survey numbers, which was determined as excess land under the provisions of Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. It is stated that though 'D' form pattas were issued to the petitioners and as they are in possession and enjoyment of their respective properties, the respondents are interfering with their possession.

On instructions, the learned Government Pleader had

produced copies of the orders passed against the petitioners for eviction, in exercise of powers under Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The said orders were passed on the ground that the petitioners have transferred their lands in contravention of the provisions of the Act 9 of 1977. If the petitioners are aggrieved, it is open for them to question the validity of the orders by resorting to the remedies available under the Act 9 of 1977. Without questioning the same, the petitioners cannot seek any direction by way of mandamus.

Inasmuch as it is stated that the petitioners have raised crops in the lands in question and there is a standing crop and in view of the orders produced by the learned Government Pleader for eviction of the petitioners under the provisions of the Act, I deem it appropriate to dispose of the writ petition directing the petitioners to prefer an appeal before the appellate authority, as contemplated under Section 4-A of the Act, within a period of six weeks from today. If such appeal is preferred, the appellate authority shall receive the same without reference to the limitation, consider and dispose of the same on merits. The respondents are directed to maintain status quo with regard to the possession of the petitioners over the lands in question, for a period of two months from today. It is also made clear that if the petitioners failed to file appeals as referred to above within the period stipulated, it is open to the respondents to take steps in accordance with law.

Subject to the above direction, the Writ Petition is disposed of.

No order as to costs.

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R. SUBHASH REDDY, J

Dated:11.12.2007

Note:CC by three days.

(Bo)

sj